UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,)))
Plaintiff,)) Civil A stier No. 05 10000 DDW
v.) Civil Action No. 05-10990-DPW
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED,)))
Defendant.)

<u>DEFENDANT HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED'S</u> <u>MOTION FOR PROTECTIVE ORDER</u>

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, defendant Harman International Industries, Incorporated ("Harman") moves for an order barring certain discovery sought by Plaintiff Massachusetts Institute of Technology ("MIT"). As grounds therefore, Harman states as follows:

1. On November 16, 2006, MIT caused subpoenas to be served on nineteen separate law firms in nine different jurisdictions. See Email from Kimberly Mottley, dated November 16, 2006 (attached as Exhibit A); and Subpoenas from MIT to various law firms (attached as Exhibits B-T). The subpoenas purport to require these law firms to produce documents in connection with this action, specifically, transcripts of any testimony given by, and copies of expert reports prepared by, Dr. Christopher Vellturo, Harman's damages expert. Production is demanded on or before November 30, 2006—that is, merely thirteen days following the date of service (a period which includes the Thanksgiving holiday).

- 2. Harman made the disclosures required by Rule 26(a)(2) of the Federal Rules of Civil Procedure, thereby disclosing its intent to call Dr. Vellturo as an expert at trial and providing the information required pursuant to Rule 26(a)(2)(B). In particular, Harman complied with Rule 26(a)(2) by, inter alia, providing a list of cases in which Dr. Vellturo had testified an expert at trial or by deposition within the last four years. Moreover, on September 8, 2006, MIT took the deposition of Dr. Vellturo pursuant to Rule 26(b)(4). While MIT asked Dr. Vellturo some limited questions about his prior testimony at his deposition, at no time has MIT ever demanded that Harman produce to MIT the documents identified in the subpoenas, nor did MIT at any time serve a subpoena on Dr. Vellturo purportedly requiring him to produce the documents that are the subject of the recently issued subpoenas. See Affidavit of Joanna Belle Gunderson (attached as Exhibit U).
- 3. By this Court's order dated September 28, 2006, all fact discovery was to be completed on or before September 27, 2006. MIT has not moved the Court for an order extending the fact discovery deadline, and accordingly, the subpoenas are untimely and the discovery sought thereby should be barred.
 - 4. Rule 26(c) provides, inter alia:

Upon motion by a party . . . , the court in which the action is pending . . . may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense . . . (1) that the disclosure or discovery not be had

5. MIT's failure to seek these documents before the conclusion of fact discovery or in connection with the deposition of Dr. Vellturo demonstrates that MIT now seeks only to

oppress, annoy and impose undue burden and expense on Harman and Dr. Vellturo. Moreover, the documents requested are not relevant to the claims and defenses at issue in this case.

- 6. MIT's late issuance of nineteen subpoenas is a clear effort to circumvent the fact discovery deadline and the limitations on expert discovery set forth in the Rules of Civil Procedure.
- 7. Moreover, it appears that MIT has requested the same documents from multiple parties. Under Rule 45 MIT has a duty to avoid imposing an undue burden or expense on the subpoenaed party. See Fed. R. Civ. P. 45(c). Clearly, MIT did not meet that burden here. MIT's requests are not only overly broad but oftentimes duplicative; MIT has asked multiple parties for the same documents. As such, MIT's requests are unduly burdensome because MIT's requests force multiple parties in multiple jurisdictions before multiple courts to address the validity of the same subpoenas.
- 8. Harman's expert, Dr. Vellturo, has been prejudiced because the law firms with which he has worked are now facing an overly broad and oftentimes duplicative subpoena.
- 9. As a result of these nineteen subpoenas in nine jurisdictions, Harman is faced with the unduly oppressive and burdensome task of addressing the validity of these nineteen subpoenas over the next two weeks. Clearly, in taking this course of action MIT has only succeeded in escalating the amount of attorney and judicial hours that will be needed to respond to these subpoenas and exponentially increasing the cost that will be spent dealing with these nineteen subpoenas in nine jurisdictions. This is an unfair burden on all the parties involved, especially Harman as it will be forced to address all nineteen subpoenas in nine jurisdictions. Had MIT requested this information from Harman, Harman would have been more than happy to

¹ Tellingly, when the parties were first negotiating the protective order in this case, Harman requested a provision that MIT not request documents from third parties without first seeking the documents from Harman. MIT refused. meet and confer to determine what documents MIT is entitled to and work with MIT to determine the scope of the protective orders at issue, thus avoiding the undue expense and burden MIT has now imposed on Harman and nineteen other law firms and at least nine other courts.

- 10. For the foregoing reasons, Harman moves that the Court enter an order that the discovery sought by the nineteen separate subpoenas not be had, and requiring MIT to notify each of the recipients of a subpoena that it has no obligation to comply with the terms of the subpoena.
- 11. Harman requests an immediate hearing on this Motion, given its urgent nature. Alternatively, Harman requests that the Court issue an order providing that no party need comply with the subpoenas until after the hearing already scheduled in this action for November 29, 2006.
- 12. Harman also notes that, as it told MIT, Harman remains ready and willing to meet and confer with MIT to evaluate the documents that MIT has requested and see if the parties can come to an agreement.

Dated: November 17, 2006

Respectfully submitted,

/s/ Courtney A. Clark

Robert J. Muldoon, Jr., BBO# 359480 James W. Matthews, BBO# 560560 Edward S. Cheng, BBO# 634063 Courtney A. Clark, BBO# 651381

SHERIN AND LODGEN, LLP

101 Federal Street Boston, MA 02110 (617) 646-2000 (phone) (617) 646-2222 (fax)

William A. Streff Jr., P.C.
Craig D. Leavell
Michelle A.H. Francis
Jamal M. Edwards
Colleen M. Garlington
Joanna Belle Gunderson
KIRKLAND & ELLIS LLP
200 E. Randolph Dr.
Chicago, IL 60601
(312) 861-2000 (phone)
(312) 861-2200 (fax)

Attorneys for Defendant

LOCAL RULE 7.1(A)(2) CERTIFICATE

Counsel for Harman International Industries, Incorporated hereby certify that they have conferred with opposing counsel on the matters set forth in the foregoing Motion and attempted in good faith to resolve or narrow the issues, but the parties were unable to resolve them. Courtney A. Clark and Joanna Belle Gunderson, counsel for Harman, spoke with Jacob K. Baron, counsel for MIT, the morning of November 17, 2006 by phone.

/s/ Courtney A. Clark
Courtney A. Clark

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Harman respectfully requests an oral argument in conjunction with the foregoing Motion, to be scheduled as soon as possible.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on November 17, 2006.

/s/ Courtney A. Clark
Courtney A. Clark

EXHIBIT A

Courtney A. Clark

From: Mottley, Kimberly [kmottley@proskauer.com]

Sent: Thursday, November 16, 2006 5:10 PM

To: Harman-MIT@kirkland.com

Cc: MIT_Harman

Subject: MIT/Harman - Subpoenas

Attachments: Workman Nydegger.pdf; Jones Day.pdf; Latham & Watkins.pdf; Irell & Manella.pdf; Kirkland &

Ellis LLP.pdf; The Harper Law Firm.pdf; Fried Frank Harris Shriver & Jacobson.pdf; Alston and Bird LLP.pdf; Kramer Levin Naftalis & Frankel.pdf; Greenberg Traurig.pdf; Robins Kaplan Miller and Ciresi.pdf; Nelson Mullins Riley and Scarborough.pdf; Ropes & Gray.pdf; Finnegan Henderson Farabow Garrett & Dunner.pdf; White & Case.pdf; Kenyon & Kenyon.pdf; Weil

Gotshal & Manges.pdf; Merchant & Gould.pdf; Howrey Simon Arnold & White.pdf

Counsel - Please note that the attached subpoenas have been served, or are in the process of being served, in the MIT/Harman matter.

Kimberly A. Mottley PROSKAUER ROSE LLP One International Place | Boston, MA 02110-2600 V: 617.526.9616 | F: 617.526.9899

kmottley@proskauer.com | www.proskauer.com

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The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

EXHIBIT B

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
V.	Case Number: 05-10990-DPW District of Massachusetts
Harman International Industries, Inc.	
TO: Workman Nydegger Attn: Brent Lorimer 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111	
YOU ARE COMMANDED to appear in the United States District c to testify in the above case.	court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time sp deposition in the above case. PLACE OF DEPOSITION	ecified below to testify at the taking of a DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and co the place, date, and time specified below (list documents or objects): see the attached protective order which will govern any production p PLACE Garcia and Love	SEE ATTACHED SCHEDULE A. Please also
Attn: Kimberly Mottley 36 South State Street, Suite 1220 Salt Lake City, UT 84111 -OR- such other location as agreed upon by counsel	11/30/06
YOU ARE COMMANDED to permit inspection of the following pro-	emises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of lirectors, or managing agents, or other persons who consent to testify on its behave matters on which the person will testify. Federal Rules of Civil Procedure, 30	alf, and may set forth, for each person designated.
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIF	F OR DEFENDANT) DATE 11/16/06

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<u>-</u>	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
	DECLAR	ATION OF SERVER
declare under penalty of the Proof of Service is	f perjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contains
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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to comple the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Wavetronix, LLC v. Electronic Integrated Systems, Inc., 2:05-cv-00073-BSJ (D. Utah).

EXHIBIT C

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Massachusetts Institute of Technology

SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries

TO:	Jones Day Attn: David L. Witcoff 77 West Wacket Drive, Suite 3500 Chicago, IL 60601	
YOU to te	U ARE COMMANDED to appear in the United States Destify in the above case.	pistrict court at the place, date, and time specified below
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PLACE C	OF DEPOSITION	DATE AND TIME
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	Kimberly Mottley	11/30/06
155 No	orth Wacker Drive 10 th Floor	
Chicag	go, IL 60606	
-OR-s	such other location as agreed upon by counsel	
☐ YOU	U ARE COMMANDED to permit inspection of the follo	wing premises at the date and time specified below.
PREMISE	ES	DATE AND TIME
Any lirectors,	organization not a party to this suit that is subpoenaed for the , or managing agents, or other persons who consent to testify o	taking of a deposition shall designate one or more officers, in its behalf, and may set forth, for each person designated,

the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Tessera, Inc. v. Micron Technology, Inc., Micron Semiconductor Products, Inc., Infineon Technologies AG, Infineon Technologies Richmond, LP, Infineon Technologies North America Corp., Qimonda AG, 2:05-cv-00094-JDL (E.D. Texas).

EXHIBIT D

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Massachusetts In	stitute of	Techno	logy
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SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.

TO:	Latham & Watkins Attn: Maximilian Grant 555 11 th Street NW Ste 1000 Washington, DC 20004	
YOU to tes	JARE COMMANDED to appear in the United States District court at the place, outify in the above case.	date, and time specified below
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PLACE	AUER ROSE LLP	DATE AND TIME
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	00 South	İ
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	ach other location as agreed upon by counsel	
☐ YOU	ARE COMMANDED to permit inspection of the following premises at the date	and time specified below.
PREMISE	3	DATE AND TIME
directors,	organization not a party to this suit that is subpoenaed for the taking of a deposition shall or managing agents, or other persons who consent to testify on its behalf, and may set for s on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	designate one or more officers, th, for each person designated,
ISSUING	OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
سكا	harly A. Marshery	11/16/06
	OFFICER'S NAME, ADDRESS AND PHONE NUMBER V Mottley Fig. (attorney for plaintiff) PROSKALIER ROSE LLP. One International Process of the Proce	onal Place Paster MA 02110

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

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- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
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 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
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(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Wavetronix, LLC v. Electronic Integrated Systems, Inc., 2:05-cv-00073-BSJ (D. Utah)*.

EXHIBIT E

Issued by the

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

Massachusetts Institute of Technology

SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries

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Irell & Manella

Attn: Melissa McCormick

840 Newport Center Drive, Suite 400 Newport Beach, CA 92660	
YOU ARE COMMANDED to appear in the United States District court at the place, d to testify in the above case.	ate, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time specified below to te deposition in the above case.	stify at the taking of a
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and copying of the follow the place, date, and time specified below (list documents or objects): SEE ATTACHE see the attached protective order which will govern any production pursuant to this sub-	ED SCHEDULE A. Please also
PLACE PROSKAUER ROSE LLP	DATE AND TIME
Attn: Kimberly Mottley	11/30/06
2049 Century Park East, Suite 3200	
Los Angeles, CA 90067-3206	
-OR- such other location as agreed upon by counsel	
YOU ARE COMMANDED to permit inspection of the following premises at the date a	and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	esignate one or more officers, h, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
dividually A. Monday	11/16/06
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Tessera, Inc. v. Micron Technology, Inc., Micron Semiconductor Products, Inc., Infineon Technologies AG, Infineon Technologies Richmond, LP, Infineon Technologies North America Corp., Qimonda AG, 2:05-cv-00094-JDL (E.D. Texas).

EXHIBIT F

Issued by the UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Massachusetts	Institute of	of Techn	ology
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SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.		
TO: Kirkland & Ellis LLP Attn: John Robert Robertson 200 East Randolph Drive, Suit Chicago, IL 60601	te 6057	
YOU ARE COMMANDED to appear to testify in the above case.	r in the United States District court at the place, de	ate, and time specified below
PLACE OF TESTIMONY	177	COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear deposition in the above case.	r at the place, date, and time specified below to tes	stify at the taking of a
PLACE OF DEPOSITION		DATE AND TIME
the place, date, and time specified bel	ce and permit inspection and copying of the follow ow (list documents or objects): SEE ATTACHE h will govern any production pursuant to this subj	D SCHEDULE A. Please also
PLACE		DATE AND TIME
Esquire Chicago Attn: Kimberly Mottley		11/30/06
155 North Wacker Drive 10 th Floor		
Chicago, IL 60606		
-OR- such other location as agreed up	oon by counsel	
YOU ARE COMMANDED to permit	t inspection of the following premises at the date a	and time specified below.
PREMISES		DATE AND TIME
directors, or managing agents, or other person the matters on which the person will testify. For		esignate one or more officers, n, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INI	DICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE 11/16/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

	PROC	OF OF SERVICE
	DATE	TIME
ERVED		
ERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
eclare under penalty of peri	jury under the laws of the	ATION OF SERVER United States of America that the foregoing information conta
eclare under penalty of perj the Proof of Service is true executed on	jury under the laws of the	W
the Proof of Service is true	jury under the laws of the	W

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Tessera, Inc. v. Micron Technology, Inc., Micron Semiconductor Products, Inc., Infineon Technologies AG, Infineon Technologies Richmond, LP, Infineon Technologies North America Corp., Qimonda AG, 2:05-cv-00094-JDL (E.D. Texas).

EXHIBIT G

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

Massac	chusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
	V.	Case Number: 05-10990-DPW District of Massachusetts
Harma	n International Industries, Inc.	
TO:	The Harper Law Firm, P.C. Attn: Donald Harper 110 Williams Street PO Box 908 Greenville, SC 29602	
	U ARE COMMANDED to appear in the United stify in the above case.	States District court at the place, date, and time specified below
PLACE O	F TESTIMONY	COURTROOM
		DATE AND TIME
	J ARE COMMANDED to appear at the place, do sition in the above case.	ate, and time specified below to testify at the taking of a
PLACE O	F DEPOSITION	DATE AND TIME
the p		aspection and copying of the following documents or objects at ents or objects): SEE ATTACHED SCHEDULE A. Please also production pursuant to this subpoena.
A. Wil Attn: K 46A St Charle	liam Roberts Jr. & Associates Court Reporting Mottley tate Street ston, SC 29401 such other location as agreed upon by counse	ng DATE AND TIME 11/30/06
		he following premises at the date and time specified below.
PREMISE	•	DATE AND TIME
directors,		I for the taking of a deposition shall designate one or more officers, testify on its behalf, and may set forth, for each person designated, civil Procedure. 30(b)(6).

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

DATE 11/16/06

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

· · · · · · · · · · · · · · · · · · ·	DP O	DF OF SERVICE
·	DATE	
	DAIE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
declare under penalty of pe	rjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
declare under penalty of pe the Proof of Service is tru Executed on	rjury under the laws of the	We will be a second of the sec
the Proof of Service is tru	rjury under the laws of the	We will be a second of the sec

Document 115-2

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Milliken & Company v. Interface, Inc., et al.*, 7:02-cv-03633-HMH (D. South Carolina).

EXHIBIT H

Case 1:05-cv-10990-DPW

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
V.	Case Number: 05-10990-DPW District of Massachusetts
Harman International Industries, Inc.	
TO: Fried Frank Harris Shriver & Jacobson Attn: David Zilberberg One New York Plz New York, NY 10004-1526	
YOU ARE COMMANDED to appear in the United States to testify in the above case.	District court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, as deposition in the above case. PLACE OF DEPOSITION	nd time specified below to testify at the taking of a DATE AND TIME
YOU ARE COMMANDED to produce and permit inspect the place, date, and time specified below (list documents of see the attached protective order which will govern any property of the place PROSKAUER ROSE LLP Attn: Kimberly Mottley 1585 Broadway New York, NY 10036-8299 -OR- such other location as agreed upon by counsel	r objects): SEE ATTACHED SCHEDULE A. Please also
YOU ARE COMMANDED to permit inspection of the fol	llowing premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the directors, or managing agents, or other persons who consent to testify the matters on which the person will testify. Federal Rules of Civil P.	y on its behalf, and may set forth, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FO	DR PLAINTIFF OR DEFENDANT) DATE 11/16/06
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

	PROOF OF SERVICE
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SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
	DECLARATION OF SERVER
	no large of the United States of America that the forcesing information contains
in the Proof of Service is true and correct.	ne laws of the United States of America that the foregoing information contained
Executed on	SIGNATURE OF SERVER
in the Proof of Service is true and correct. Executed on	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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SCHEDULE A

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *The Toro Company v. White Consolidated Industries, Inc. and WCI Outdoor Products, Inc.*, 4:95-cv-00656-DWF-AJB (D. Minnesota).

EXHIBIT I

DATE AND TIME

Issued by the UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

Massa	achusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
	V.	Case Number: 05-10990-DPW District of Massachusetts
Harm	an International Industries, Inc.	
T0:	Alston and Bird LLP Attn: Frank Smith, III One Atlantic Center 1201 West Peachtree Street Atlanta, GA 30309	
to to	estify in the above case.	States District court at the place, date, and time specified below
PLACE	OF TESTIMONY	COURTROOM
		DATE AND TIME
☐ YO	U ARE COMMANDED to appear at the place, d osition in the above case.	ate, and time specified below to testify at the taking of a
PLACE	OF DEPOSITION	DATE AND TIME
the j	U ARE COMMANDED to produce and permit in place, date, and time specified below (list docume the attached protective order which will govern a	aspection and copying of the following documents or objects at ents or objects): SEE ATTACHED SCHEDULE A. Please also my production pursuant to this subpoena.
Esquii Attn: 1	re Deposition Services Kimberly Mottley	DATE AND TIME 11/30/06
	West Peachtree Street, Suite 650	
	ta, GA 30309 such other location as agreed upon by counse	
	outer outer rotation as agreed upon by counse	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Kiniharly A. Moodery	11/16/06
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

PREMISES

PROC	OF OF SERVICE
DATE	TIME
	MANNER OF SERVICE
	TITLE
DECLAR	ATION OF SERVER
erjury under the laws of the laws of the laws and correct.	United States of America that the foregoing information contained
DATE	SIGNATURE OF SERVER
	DECLAR. erjury under the laws of the law and correct.

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
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1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Milliken & Company v. Mohawk*Industries, Inc., et al., 7:02-cv-03631-HMH (D. South Carolina).

EXHIBIT J

Filed 11/17/2006

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CASE	
V.	Case Number: 05-10990-DPW District of Massachusetts	
Harman International Industries, Inc.		
TO: Kramer Levin Naftalis & Frankel, LLP Attn: Keith A. Walter, Jr. 1177 Avenue of the Americas New York, NY 10036		
YOU ARE COMMANDED to appear in the United States to testify in the above case.	District court at the place, date, and time specified belo	ow
PLACE OF TESTIMONY	COURTROOM	
	DATE AND TIME	
YOU ARE COMMANDED to appear at the place, date, and deposition in the above case.	I time specified below to testify at the taking of a	
PLACE OF DEPOSITION	DATE AND TIME	
YOU ARE COMMANDED to produce and permit inspection the place, date, and time specified below (list documents or see the attached protective order which will govern any produce the attached protective order which will govern any produce the attached protective order which will govern any produce the attached protective order which will govern any produce the attached protective order which will govern any produce and permit inspection to permit inspection to	objects): SEE ATTACHED SCHEDULE A. Please duction pursuant to this subpoena.	
PROSKAUER ROSE LLP	DATE AND TIME	
Attn: Kimberly Mottley	11/30/06	
1585 Broadway		
New York, NY 10036-8299		
-OR- such other location as agreed upon by counsel		
YOU ARE COMMANDED to permit inspection of the following	owing premises at the date and time specified below.	
PREMISES	DATE AND TIME	
Any organization not a party to this suit that is subpoenaed for the directors, or managing agents, or other persons who consent to testify the matters on which the person will testify. Federal Rules of Civil Pro	on its behalf, and may set forth, for each person designated	
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR	R PLAINTIFF OR DEFENDANT) DATE	
Kniharly A. Mostery	11/16/06	
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	12/20/00	
Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER	ROSE LLP, One International Place, Boston, MA 02	110

	PRO	OF OF SERVICE
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)	-	TITLE
	DECLA	RATION OF SERVER
declare under penalty of n the Proof of Service is	perjury under the laws of the true and correct.	e United States of America that the foregoing information contained
declare under penalty of n the Proof of Service is Executed on	true and correct.	
n the Proof of Service is	perjury under the laws of the true and correct. DATE	E United States of America that the foregoing information contained

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

Page 37 of 81

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following cases: *Advanced Technology v. Praxair, Inc.*, 1:03-cv-05161-RO (S.D. New York); Praxair Inc., et al v. ATMI Inc., et al, 1:03-cv-01158-SLR (D. Delaware).

EXHIBIT K

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Massachusetts Institute of Technology	SUBPOENA IN A	CIVIL CASE
V.	Case Number: 05- District of Massac	
Harman International Industries, Inc.		
TO: Greenberg Traurig Attn: Allan Litovsky 650 Town Center Drive, Suite 1700 Costa Mesa, CA 92626-1925		
YOU ARE COMMANDED to appear in the United States I to testify in the above case.	District court at the place, da	te, and time specified below
PLACE OF TESTIMONY	***************************************	COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and deposition in the above case.	time specified below to tes	tify at the taking of a
PLACE OF DEPOSITION		DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection the place, date, and time specified below (list documents or see the attached protective order which will govern any produce the attached protective order which will govern any produce the attached protective order which will govern any produce the attached protective order which will govern any produce and permit inspection.	objects): SEE ATTACHE	D SCHEDULE A. Please also
PLACE PROSKAUER ROSE LLP		DATE AND TIME
Attn: Kimberly Mottley		11/30/06
2049 Century Park East, Suite 3200		
Los Angeles, CA 90067-3206		
-OR- such other location as agreed upon by counsel		
☐ YOU ARE COMMANDED to permit inspection of the following	owing premises at the date a	nd time specified below.
PREMISES	· · · · ·	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the directors, or managing agents, or other persons who consent to testify the matters on which the person will testify. Federal Rules of Civil Pro	on its behalf, and may set forth	signate one or more officers, , for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR	PLAINTIFF OR DEFENDANT)	DATE
Kniheely A. Moreley		11/16/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

	PROC	OF OF SERVICE
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
	DECLAR	ATION OF SERVER
n the Proof of Service is tr	perjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contains
	perjury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Danek U.S.A. and Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek U.S.A. and SDGI Holidays, Inc. v. Cross Medical Products, Inc., 8:03-cv-00110-DDP-AN (C.D. California).

EXHIBIT L

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Massachusetts	Institute of	Technology
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SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.

TO:

Robins Kaplan Miller and Ciresi

Attn: Andre Juan Bahou 1801 K Street NW, Suite 1200 Washington, DC 20006	
YOU ARE COMMANDED to appear in the United States District court at the place, do to testify in the above case.	ate, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time specified below to test deposition in the above case.	stify at the taking of a
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and copying of the follow the place, date, and time specified below (list documents or objects): SEE ATTACHE see the attached protective order which will govern any production pursuant to this subpresses the attached protective order which will govern any production pursuant to this subpresses. PROSKAUER ROSE LLP Attn: Kimberly Mottley 1001 Pennsylvania Avenue NW Suite 400 South Washington, DC 20004 -OR- such other location as agreed upon by counsel	D SCHEDULE A. Please also
YOU ARE COMMANDED to permit inspection of the following premises at the date a	and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE 11/16/06
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

		OF OF SERVICE
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)	\$****	TITLE
	DECLAR	ATION OF SERVER
	perjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
	perjury under the laws of the	
in the Proof of Service is tr	perjury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Danek U.S.A. and Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek U.S.A. and SDGI Holidays, Inc. v. Cross Medical Products, Inc., 8:03-cv-00110-DDP-AN (C.D. California).

EXHIBIT M

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

M	assachusetts	Institute	of Tech	nology
TAT	assachuscus	THOULULE	OI TECH	$\mathbf{u}\mathbf{u}\mathbf{u}\mathbf{v}$

SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.

TO:	Nelson Mullins Riley and Scarborough Attn: Doug Lee Lineberry Liberty Center, Suite 600 151 Meeting Street Charleston, SC 29401-2239	
	ARE COMMANDED to appear in the United States District court at the place, d tify in the above case.	ate, and time specified below
PLACE OF	TESTIMONY	COURTROOM
		DATE AND TIME
	ARE COMMANDED to appear at the place, date, and time specified below to te sition in the above case.	stify at the taking of a
PLACE OF	DEPOSITION	DATE AND TIME
the pl	ARE COMMANDED to produce and permit inspection and copying of the followace, date, and time specified below (list documents or objects): SEE ATTACHE at attached protective order which will govern any production pursuant to this sub	ED SCHEDULE A. Please also
PLACE	le attached protective order which will govern any production pursuant to this sub	DATE AND TIME
	iam Roberts Jr. & Associates Court Reporting	11/30/06
	imberly Mottley ate Street	11/20/00
	ton, SC 29401	
	ich other location as agreed upon by counsel	
	ARE COMMANDED to permit inspection of the following premises at the date	and time specified below.
PREMISES		DATE AND TIME
directors,	organization not a party to this suit that is subpoenaed for the taking of a deposition shall dor managing agents, or other persons who consent to testify on its behalf, and may set fort s on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	
	OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE 11/16/06
ISSUING (OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

	PROC	OF OF SERVICE
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
SERVED DI (IREVI WEWE)		
SERVED DI (INIVI IVINE)	DECLAR	ATION OF SERVER
	jury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
declare under penalty of per	jury under the laws of the	
declare under penalty of pernance is true	jury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (o) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Milliken & Company v. Shaw Industries Group, Inc., et al., 7:02-cv-03632-HMH (D. South Carolina).*

EXHIBIT N

Issued by the UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.

TO:

Ropes & Gray, LLP

Attn: Christopher Harnett, Jesse Jenner, Jeanne Curtis, and Frances Lynch 1251 Avenue of the Americas New York, NY 10020	
YOU ARE COMMANDED to appear in the United States District count to testify in the above case.	rt at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time speci deposition in the above case.	fied below to testify at the taking of a
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and copy the place, date, and time specified below (list documents or objects): S see the attached protective order which will govern any production pure	EE ATTACHED SCHEDULE A. Please also suant to this subpoena.
PLACE PROSKAUER ROSE LLP	DATE AND TIME
Attn: Kimberly Mottley	11/30/06
1585 Broadway	
New York, NY 10036-8299	
-OR- such other location as agreed upon by counsel	
YOU ARE COMMANDED to permit inspection of the following prem	ises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a directors, or managing agents, or other persons who consent to testify on its behalf the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)	and may set forth, for each person designated,)(6).
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF C	DR DEFENDANT) DATE 11/16/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

	PROC	OF OF SERVICE
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
	DECLARA	ATION OF SERVER
declare under penalty of per n the Proof of Service is true	jury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
	jury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to comple the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (o) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

- 1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following cases:
 - A) Advanced Technology v. Praxair, Inc., 1:03-cv-05161-RO (S.D. New York);
 - B) Praxair Inc., et al v. ATMI Inc., et al, 1:03-cv-01158-SLR (D. Delaware);
 - C) Robert Bosch GMBH v. TRW Automotive, Inc., TRW Vehicle Safety Systems Inc., and TRW Automotive U.S. LLC, 2:03-cv-00045-FJM (D. Arizona);
 - D) Verizon California Inc., a California Corporation v. Ronald A. Katz Technology Licensing, L.P., a California limited partnership, 2:01-cv-09871-RGK-RC (C.D. California);
 - E) Massachusetts Eye and Ear Infirmary v. Novartis Ophthalmics, Inc. and QLT, Inc., QLT, Inc. v. Massachusetts Eye and Ear Infirmary, Evangelos S. Gragoudas, M.D. and Joan W. Miller, M.D., The General Hospital Corporation v. Massachusetts Eye and Ear Infirmary, Evangelos S. Gragoudas, M.D. and Joan W. Miller, M.D., 1:01-cv-10747-WGY (D. Massachusetts);
 - F) Milliken & Company v. Mohawk Industries, Inc., et al./ Shaw Industries Group, Inc., et al./Interface, Inc., et al., 7:02-cv-03631-HMH, 7:02-cv-03632-HMH, 7:02-cv-03633-HMH (D. South Carolina);
 - G) WeddingChannel.com Inc. v. The Knot, Inc. and The Knot, Inc. v. WeddingChannel.com Inc., 1:03-cv-07369-RWS (S.D. New York);

H) Samsung Electronics Co., Ltd. v. Tessera Technologies, Inc. and Tessera, Inc. and Tessera Technologies, Inc. v. Samsung Electronics Co., Ltd., Samsung Electronics America and Samsung Semiconductor, Inc., 4:02-cv-05837-CW (N.D. California).

EXHIBIT O

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Massachusetts I	nstitute of	Technol	logy
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SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.

TO:	Finnegan Henderson Farabow Garrett & Dunner LLP Attn: Thomas William Winland 901 New York Ave NW Washington, DC 20001-4413	
	U ARE COMMANDED to appear in the United States District court at the place, destify in the above case.	ate, and time specified below
PLACE	OF TESTIMONY	COURTROOM
		DATE AND TIME
	U ARE COMMANDED to appear at the place, date, and time specified below to tensition in the above case.	stify at the taking of a
PLACE	OF DEPOSITION	DATE AND TIME
the	U ARE COMMANDED to produce and permit inspection and copying of the follow place, date, and time specified below (list documents or objects): SEE ATTACHE the attached protective order which will govern any production pursuant to this sub-	CD SCHEDULE A. Please also
PLACE	· · · · · · · · · · · · · · · · · · ·	DATE AND TIME
	KAUER ROSE LLP	11/30/06
	Kimberly Mottley Pennsylvania Avenue NW, Suite 400 South	
	ngton, DC 20004	
	such other location as agreed upon by counsel	
☐ YO	U ARE COMMANDED to permit inspection of the following premises at the date a	and time specified below.
PREMIS	ES	DATE AND TIME
directors	organization not a party to this suit that is subpoenaed for the taking of a deposition shall d, or managing agents, or other persons who consent to testify on its behalf, and may set forthers on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	
	officer's signature and title (indicate if attorney for plaintiff or defendant)	DATE 11/16/06
ISSUINC	OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

	PROC	F OF SERVICE
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ERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
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	ary under the laws of the	ATION OF SERVER United States of America that the foregoing information contain
leclare under penalty of perju	ary under the laws of the	
leclare under penalty of perju the Proof of Service is true a	ary under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Robert Bosch GMBH v. TRW Automotive*, *Inc.*, *TRW Vehicle Safety Systems Inc.*, and *TRW Automotive U.S. LLC*, 2:03-cv-00045-FJM (D. Arizona).

EXHIBIT P

CASE

Case 1:05-cv-10990-DPW

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CA
V.	Case Number: 05-10990-DPW

District of Massachusetts

	District of Massac	nuseus
Harma	n International Industries, Inc.	
TO:	White & Case, LLP Attn: Adam Gahtan 1155 Avenue of the Americas New York, NY 10036-2787	
	J ARE COMMANDED to appear in the United States District court at the place, district in the above case.	ate, and time specified below
PLACE O	FTESTIMONY	COURTROOM
		DATE AND TIME
	J ARE COMMANDED to appear at the place, date, and time specified below to testition in the above case.	stify at the taking of a
PLACE O	F DEPOSITION	DATE AND TIME
the p	J ARE COMMANDED to produce and permit inspection and copying of the followlace, date, and time specified below (list documents or objects): SEE ATTACHE the attached protective order which will govern any production pursuant to this sub-	CD SCHEDULE A. Please also
PLACE		DATE AND TIME
	AUER ROSE LLP imberly Mottley	11/30/06
	roadway	
	ork, NY 10036-8299	
-OR- s	uch other location as agreed upon by counsel	
] YOU	ARE COMMANDED to permit inspection of the following premises at the date a	and time specified below.
PREMISE	s	DATE AND TIME
lirectors,	organization not a party to this suit that is subpoenaed for the taking of a deposition shall d or managing agents, or other persons who consent to testify on its behalf, and may set forths on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	
	OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE 11/16/06
ISSUING	OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

A A OSS (Rev. 1/04) Submoons in a Civil Cone

	PROC	OF OF SERVICE
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SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
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declare under penalty of penalty of penalty of Service is true	erjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
the Proof of Service is true	erjury under the laws of the	
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the Proof of Service is true	erjury under the laws of the e and correct.	United States of America that the foregoing information contained

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Massachusetts Eye and Ear Infirmary v. Novartis Ophthalmics, Inc. and QLT, Inc., QLT, Inc., v. Massachusetts Eye and Ear Infirmary, Evangelos S. Gragoudas, M.D. and Joan W. Miller, M.D., The General Hospital Corporation v. Massachusetts Eye and Ear Infirmary, Evangelos S. Gragoudas, M.D. and Joan W. Miller, M.D., 1:01-cv-10747-WGY (D. Massachusetts).

EXHIBIT Q

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Massachusetts	: Institute	of Tec	hnology
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SUBPOENA IN A CIVIL CASE

V. Case Number: 05-10990-DPW District of Massachusetts Harman International Industries, Inc. TO: Kenyon & Kenyon Attn: Anita Pamintuan Fusco One Broadway New York, NY 10004 YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case. PLACE OF TESTIMONY COURTROOM DATE AND TIME YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. PLACE OF DEPOSITION DATE AND TIME YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE ATTACHED SCHEDULE A. Please also see the attached protective order which will govern any production pursuant to this subpoena. PLACE DATE AND TIME PROSKAUER ROSE LLP 11/30/06 Attn: Kimberly Mottley 1585 Broadway New York, NY 10036-8299 -OR- such other location as agreed upon by counsel YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below. PREMISES DATE AND TIME Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6). ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE dimberly A. Mordery 11/16/06 ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

	DR OC	OF OF SERVICE
	DATE	TIME
SERVED	DAIL	1 IIVIIS
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SERVED BY (PRINT NAME)		TITLE
	DECLAR	ATION OF SERVER
declare under penalty of perjunt the Proof of Service is true a	ury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
	ury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: WeddingChannel.com Inc. v. The Knot, Inc. and The Knot, Inc. v. WeddingChannel.com Inc., 1:03-cv-07369-RWS (S.D. New York).

EXHIBIT R

Case 1:05-cv-10990-DPW

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
V.	Case Number: 05-10990-DPW District of Massachusetts
Harman International Industries, Inc.	
TO: Weil Gotshal & Manges LLP Attn: Matthew Powers 201 Redwood Shores Pkwy Redwood Shores, CA 94065	
YOU ARE COMMANDED to appear in the United S to testify in the above case.	States District court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, da deposition in the above case. PLACE OF DEPOSITION	te, and time specified below to testify at the taking of a DATE AND TIME
	spection and copying of the following documents or objects at ents or objects): SEE ATTACHED SCHEDULE A. Please also by production pursuant to this subpoena. DATE AND TIME
Esquire Deposition Services Attn: Kimberly Mottley 505 Sansome Street, Fifth Floor San Francisco, California 94111 -OR- such other location as agreed upon by counsely	11/30/06
☐ YOU ARE COMMANDED to permit inspection of t	ne following premises at the date and time specified below.
PREMISES	DATE AND TIME
	for the taking of a deposition shall designate one or more officers, testify on its behalf, and may set forth, for each person designated, ivil Procedure, 30(b)(6).
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORI	NEY FOR PLAINTIFF OR DEFENDANT) DATE 11/16/06
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

110	OOF OF SERVICE
DATE	TIME
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
DECLAI	RATION OF SERVER
declare under penalty of perjury under the laws of the n the Proof of Service is true and correct.	e United States of America that the foregoing information contained
Executed on	
Executed on DATE	SIGNATURE OF SERVER
	SIGNATURE OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (o) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: Samsung Electronics Co., Ltd. v. Tessera Technologies, Inc. and Tessera, Inc. and Tessera Technologies, Inc. v. Samsung Electronics Co., Ltd., Samsung Electronics America and Samsung Semiconductor, Inc., 4:02-cv-05837-CW (N.D. California).

EXHIBIT S

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Massachusetts Institute of Technology	SUBPOENA IN A CIVIL CASE
V.	Case Number: 05-10990-DPW District of Massachusetts
Harman International Industries, Inc.	
TO: Merchant & Gould PC Attn: Anthony Zeuli 3200 IDS Center 80 South Eighth Street Minneapolis, MN 55402	
YOU ARE COMMANDED to appear in the Ur to testify in the above case.	nited States District court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the pla deposition in the above case.	ce, date, and time specified below to testify at the taking of a
PLACE OF DEPOSITION	DATE AND TIME
	mit inspection and copying of the following documents or objects at ocuments or objects): SEE ATTACHED SCHEDULE A. Please alseern any production pursuant to this subpoena
PLACE	DATE AND TIME
Esquire Deposition Services Attn: Kimberly Mottley	11/30/06
701 4th Avenue South, Suite 500	
Minneapolis, Minnesota 55415	
-OR- such other location as agreed upon by co	unsel
☐ YOU ARE COMMANDED to permit inspection	n of the following premises at the date and time specified below.
PREMISES	DATE AND TIME
	penaed for the taking of a deposition shall designate one or more officers, ent to testify on its behalf, and may set forth, for each person designated, as of Civil Procedure, 30(b)(6).
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF A	· ·
dividualy I. Mondey	11/16/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

AO88 (Rev. 1/94) Subpoena in a Civ	vil Case		
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PROOF OF SERVICE			
	DATE	TIME	
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SERVED ON (PRINT NAME)		MANNER OF SERVICE	
SERVED BY (PRINT NAME)	· · · · · · · · · · · · · · · · · · ·	TITLE	
	DECLAR	ATION OF SERVER	
I declare under penalty of per in the Proof of Service is true	jury under the laws of the and correct.	United States of America that the foregoing information	n contained
Executed on			
	DATE	SIGNATURE OF SERVER	
		ADDRESS OF SERVER	
			·

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to comple the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
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1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *The Toro Company v. White Consolidated Industries, Inc. and WCI Outdoor Products, Inc.*, 4:95-cv-00656-DWF-AJB (D. Minnesota).

EXHIBIT T

Case 1:05-cv-10990-DPW

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Massachusetts Institute of Technology

SUBPOENA IN A CIVIL CASE

V.

Case Number: 05-10990-DPW District of Massachusetts

Harman International Industries, Inc.	
TO: Howrey Simon Arnold & White Attn: Bert Reiser 1299 Pennsylvania Ave, NW Washington, DC 20004-2402	
YOU ARE COMMANDED to appear in the United States District to testify in the above case.	t court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time sedeposition in the above case.	specified below to testify at the taking of a
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and the place, date, and time specified below (list documents or objects see the attached protective order which will govern any production	s): SEE ATTACHED SCHEDULE A. Please also
PLACE	DATE AND TIME
PROSKAUER ROSE LLP	11/30/06
Attn: Kimberly Mottley	11/20/00
1001 Pennsylvania Avenue NW	
Suite 400 South	
Washington, DC 20004	
-OR- such other location as agreed upon by counsel	

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below. PREMISES DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE Kimberly A. Martey 11/16/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kimberly Mottley, Esq. (attorney for plaintiff), PROSKAUER ROSE LLP, One International Place, Boston, MA 02110

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

PROOF OF SERVICE		
	DATE	TIME
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)	P. A	TITLE
	DECLAR	ATION OF SERVER
I declare under penalty of print the Proof of Service is tr	perjury under the laws of the	ATION OF SERVER United States of America that the foregoing information contained
in the Proof of Service is tr	perjury under the laws of the	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1. Any and all expert reports signed by, and transcripts of deposition and/or trial testimony given by, Dr. Christopher A. Vellturo, in the following case: *Verizon California Inc.*, a California Corpoation v. Ronald A. Katz Technology Licensing, L.P., a California limited partnership, 2:01-cv-09871-RGK-RC (C.D. California).

EXHIBIT U

UNITED STATES DISTRICT COURT **DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,)))
Plaintiff,)) Civil Action No. 05-10990-DPW
v.)
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED,)
Defendant.)

AFFIDAVIT OF JOANNA BELLE GUNDERSON

I, Joanna Belle Gunderson, hereby depose and state as follows:

- I am an attorney with the law firm of Kirkland & Ellis LLP, 200 East Randolph Drive, Chicago, Illinois 60601.
- I represent defendant Harman International Industries, Incorporated ("Harman") 2. in this matter.
- I attended the deposition of Harman's damages expert, Dr. Christopher Vellturo. 3. Kimberly A. Mottley, counsel for MIT, asked questions of Dr. Vellturo regarding his experience in other cases, but never asked Dr. Vellturo or Harman to provide expert reports, deposition transcripts, or trial transcripts relating to those cases.
- MIT never subpoenaed Dr. Vellturo for his deposition; Harman made him available as a mutual courtesy once the parties agreed on a date.
- MIT never requested, at any time, that Harman nor Dr. Vellturo provide expert reports, depositions transcripts, or trial transcripts from other lawsuits in which Dr. Vellturo served as an expert witness.

Signed under the penalty of perjury this 17th day of November,

Joanna Belle Gunderson